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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 RICHARD ALAN LACY, Case No. 2:17-cv-01123-KJD-NJK
10 Plaintiff, ORDER
11 v.
12 JAMES DZURENDA, et al., Defendants.

13 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
14 a former state prisoner. On July 10, 2018, Defendants filed a motion to dismiss this action
15 for Plaintiff's failure to notify this Court of his change of address. (ECF No. 11). On July
16 20, 2018, this Court issued an order directing Plaintiff to file his updated address with this
17 Court within thirty (30) days. (ECF No. 14). The thirty-day period has now expired, and
18 Plaintiff has not filed his updated address or otherwise responded to the Court's order.

19 District courts have the inherent power to control their dockets and "[i]n the
20 exercise of that power, they may impose sanctions including, where appropriate . . .
21 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
22 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure
23 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
24 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance
25 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal
26 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
27 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
28 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*
2 v. *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey
5 a court order, or failure to comply with local rules, the court must consider several factors:
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in
12 expeditiously resolving this litigation and the Court's interest in managing the docket,
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
14 in favor of dismissal, since a presumption of injury arises from the occurrence of
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
19 the court's order will result in dismissal satisfies the "consideration of alternatives"
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779
21 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
22 Court within thirty (30) days expressly stated that, if Plaintiff failed to timely comply with
23 its order for Plaintiff to update his address, the Court would dismiss this case. (ECF No.
24 14 at 2). Thus, Plaintiff had adequate warning that dismissal would result from his
25 noncompliance with the Court's order to file his updated address within thirty (30) days.

26 It is therefore ordered that this action is dismissed with prejudice based on
27 Plaintiff's failure to file an updated address in compliance with this Court's July 20, 2018
order.

1 It is further ordered that the motion for leave to proceed *in forma pauperis* (ECF
2 No. 1) is denied as moot.

3 It is further ordered that the Clerk of Court shall enter judgment accordingly.
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5 DATED: September 14, 2018



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7 UNITED STATES DISTRICT JUDGE
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